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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

JORGE ALMANZAR, an individual, on  
behalf of himself and all others similarly  
situated,

Plaintiffs,

v.

HOME DEPOT U.S.A., INC., a Delaware  
Corporation,

Defendant.

**Case No.: 2:20-cv-00699-KJN**

**CLASS AND PAGA REPRESENTATIVE  
ACTION**

**PLAINTIFF'S NOTICE OF MOTION FOR  
FINAL ORDER AND JUDGMENT APPROVING  
CLASS AND REPRESENTATIVE ACTION  
SETTLEMENT**

Date: January 2, 2024

Time: 9:00 a.m.

Magistrate Judge: Hon. Kendall J. Newman

Courtroom: 25 of the Matsui Courthouse

Complaint Filed: April 3, 2020

Trial Date: None Set

**TO THE COURT, ALL PARTIES, AND THEIR RESPECTIVE COUNSEL OF  
RECORD:**

PLEASE TAKE NOTICE that on January 2, 2024, at 9:00 a.m., or as soon thereafter as the matter may be heard at the Robert T. Matsui United States Courthouse, 501 I Street, Sacramento, CA 95814, before the Honorable Kendall J. Newman, pursuant to Fed. R. Civ. P. 23(e) and (g), Plaintiff Jorge Almanzar, on his own behalf, and on behalf of the proposed Class, defined as “All current and former non-exempt, hourly Night Team Merchandising Execution Associates who worked for Home Depot in California between April 3, 2016 and November 1, 2021”, will move for final judgment and order approving class and representative action settlement.

This Motion shall be based upon this Notice of Motion, the accompanying Memorandum of Points and Authorities, the declarations of Plaintiff’s counsel and Settlement Administrator, the proposed order, and upon such further evidence, both documentary and oral, as may be presented at the hearing of this motion.

This Motion will be heard concurrently with Plaintiff’s motion for approval of attorneys’ fees and costs and Class Representative’s Service Award, filed on September 1, 2023 (Dkt. No. 33), and Plaintiff will seek that the Court:

- (a) determine whether the proposed Settlement should be finally approved by the Court as fair, reasonable and adequate;
- (b) determine the reasonableness of Class Counsel’s request for attorneys’ fees and costs;
- (c) determine the reasonableness of the Class Representative Service Award requested for the Class Representative; and

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(d) order entry of Judgment in the Class and Representative Action, which shall constitute a complete release and bar with respect to the Released Claims as described in paragraph 36 and PAGA Release Claims as described in paragraph 28 of the Settlement Agreement.

DATED: November 28, 2023

**THE MARKHAM LAW FIRM**

By: /s/ David R. Markham

David R. Markham

Maggie K. Realin

Lisa R. Brevard